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FILED

JAN 18 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 JEFFREY EUGENE BROWN,

18 Defendant.
19

No. 4 06-MJ-70685 WDB

20 STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING AND
21 EXCLUDE TIME UNDER THE SPEEDY
22 TRIAL ACT

23 Plaintiff United States of America, by and through its counsel of record, Assistant United
24 States Attorney Garth Hire, and defendant Jeffrey Eugene Brown ("defendant"), by and through
25 his counsel of record, Harry C. Singer, hereby stipulate as follows:

26 1. Defendant is charged in a criminal complaint alleging violations of 21 U.S.C.
27 § 841(a)(1). The complaint was filed on October 24, 2006. Defendant was arrested and made
28 his initial appearance before the Honorable Wayne D. Brazil, United States Magistrate Judge for
the Northern District of California, on October 26, 2006. On October 31, 2006, defendant again
appeared before the Court and waived his right to preliminary hearing or examination pursuant to

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THE SPEEDY TRIAL ACT

cc: WDB's Staff Copy to parties via ECF
2 certified copies to Marshal

1 Federal Rule of Criminal Procedure 5.1 and waived his right to be charged by information or
2 indictment pursuant to the Speedy Trial Act of 1974, 18 U.S.C. § 3161(b), until November 27,
3 2006.

4 2. On November 27, 2006, defendant again appeared before the Court and waived
5 his right to preliminary hearing or examination pursuant to Federal Rule of Criminal Procedure
6 5.1 and waived his right to be charged by information or indictment pursuant to the Speedy Trial
7 Act of 1974, 18 U.S.C. § 3161(b), until January 5, 2007.

8 3. On January 5, 2007, defendant again appeared before the Court and waived his
9 right to preliminary hearing or examination pursuant to Federal Rule of Criminal Procedure 5.1
10 and waived his right to be charged by information or indictment pursuant to the Speedy Trial Act
11 of 1974, 18 U.S.C. § 3161(b), until January 19, 2007.

12 4. By stipulation and proposed order, the parties jointly move to vacate the hearing
13 currently scheduled for January 19, 2007, and ask that the matter be placed on this Court's
14 calendar for preliminary hearing or examination and status conference on February 9, 2007.
15 Defendant also waives his right to preliminary hearing or examination pursuant to Federal Rule
16 of Criminal Procedure 5.1 and waives his right to be charged by information or indictment
17 pursuant to the Speedy Trial Act of 1974, 18 U.S.C. § 3161(b), until February 9, 2007.

18 5. The parties agree and stipulate, and request that the court find the following:

19 a. The ends of justice outweigh the interest of the public and the defendant in
20 the filing of an information or indictment within the date prescribed by the Speedy Trial Act
21 because:

22 (i) The defendant and his counsel require additional time for effective
23 preparation, taking into account the exercise of due diligence, including consideration of whether
24 pre-indictment and pre-trial motions are appropriate, to determine whether this case will proceed
25 to indictment and trial, and to adequately prepare for indictment and trial;

26 (ii) Defense counsel represents that he has conferred with his client
27 regarding a continuance of the time to be charged by indictment or information, has advised

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1 defendant of his rights under the Speedy Trial Act, defendant understands the ramifications of
2 requesting a continuance, and defendant consents to a continuance of the deadline to be charged
3 by indictment or information;

4 (iii) The parties believe that failure to grant the above-requested
5 continuance would deny defense counsel and the defendant the reasonable time necessary for
6 effective preparation taking into account the exercise of due diligence.

7 b. Based on the foregoing, the parties request that the Court find that for the
8 purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161(b), within which an
9 information or indictment must be filed, the time period of January 19, 2007, to February 9,
10 2007, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(8)(A)(iv) because:

11 (i) As detailed in Section 5(a) above, the ends of justice served by
12 granting a continuance outweigh the best interest of the public and the defendant in a filing of an
13 information or indictment within the period specified in section 3161(b).

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1 6. The parties agree and stipulate and request that the Court find that nothing in this
2 stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate
3 that additional time periods are excludable from the period within which an information or
4 indictment must be filed.

5 IT IS SO STIPULATED.

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7 KEVIN V. RYAN
 United States Attorney

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9 Dated: _____

 _____/s/¹_____
 GARTH HIRE
 Assistant United States Attorney

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12 Dated: _____

 _____/s/_____
 HARRY C. SINGER
 Attorney for Defendant

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15 ORDER

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17 IT IS SO FOUND AND ORDERED this 18 day of January, 2007.

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19 
20 HONORABLE WAYNE D. BRAZIL
 UNITED STATES MAGISTRATE JUDGE

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27 ¹ I hereby attest that I have on file all the holograph signatures for any signatures
indicated by a "conformed" signature (/s/) within this e-filed document.

28 STIPULATION AND PROPOSED ORDER TO CONTINUE
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